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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,592	12/08/2003	Italo Corzani	CM2574C	2123

27752 7590 10/12/2004

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EXAMINER

NOLAN, SANDRA M

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/730,592	Applicant(s) CORZANI ET AL	
	Examiner Sandra M. Nolan	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-14-04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claims*

1. Claims 1-13 are pending.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 14 April 2004 was considered by the examiner.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 5,505,956).

Kim teaches transdermal patches (col. 12, line 20) containing several layers in which the adhesive layers have different water absorption capacities and the backing layer is water impermeable (col. 5, lines 1-2). The adhesive is an acrylate polymer (col.

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5, lines 52-68) and contains 0.1 to 40% polyols to regulate water absorption in the adhesive layers (col. 6, lines 48-68). Two to five layers of adhesive are used (abstract).

Since the backing layer is water impermeable, the patch is deemed water impermeable.

Kim does not teach the water absorption test recited or use of its materials to make gloves.

The selection of a suitable test for water absorption is deemed a matter of engineering choice.

The use of the patch materials to cover any part of a user's skin, including skin on his/her hand, is deemed a matter of design/engineering choice.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn (US 5,447,783) in view of Kim.

Horn was cited in applicants' IDS.

Horn teaches gloves (col. 1, line 48) made from multilayer films in which water vapor transmission rates, and therefore water absorption rates (WVTR), vary. At col. 7, lines 8-15, the film's hydrophobic layer has a WVTR of 400 to 2500 g.mil/m<sup>2</sup>/24hrs. and its hydrophilic layer has a WVTR of at least 3500 g.mil/m<sup>2</sup>/24hrs.

Horn fails to teach the use of polyols to regulate water absorption in the layers of its films or the water absorption test recited.

Kim is discussed above.

The references are analogous because they both deal with multilayer articles containing layers with different water absorption properties.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the polyols of Kim as absorption regulators in the layers of Horn in order to better control the properties of the overall film.

The motivation to employ the polyols of Kim as absorption regulators in the layers of Horn is found at col. 6, lines 48-68 of Kim, where it teaches the use of 0.1 to 40% polyols to regulate water absorption in its adhesive layers.

It is deemed desirable to control water absorption in gloves or other articles that employ water absorptive layers in order to customize their properties.

The selection of a suitable test for water absorption is deemed a matter of engineering choice.

### ***Conclusion***

Any inquiry concerning this communication should be addressed to Sandra M. Nolan, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan  
Primary Examiner  
Technology Center 1700

10730592(20041005)